

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

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Date: August 1, 2013

Judge: Jon S. Tigar

Time: 57 minutes (10:08 - 11:05 a.m.)

Case No. **3:13-cv-00453-JST**  
Case Name **Marc Opperman, et al. v. Path, Inc., et al.**

Related cases:

Case No. **3:12-cv-01529-JST**  
Case Name **Maria Pirozzi, et al. v. Apple, Inc.**

Case No. **3:12-cv-01515-JST**  
Case Name **Oscar Hernandez v. Path, Inc.**

Case No. **3:12-cv-06550-JST**  
Case Name **Steven Gutierrez v. Instagram, Inc.**

Attorney(s) for Plaintiff(s): Marc Opperman, et al.  
Nicholas A. Carlin  
David M. Given  
Jeffrey Scott Edwards (appearing telephonically)  
Carl F. Schwenker (appearing telephonically)

Maria Pirozzi  
Jennifer Sarnelli  
Kira German

Oscar Hernandez / Steven Gutierrez  
John Ceglia  
Brian R Strange (appearing telephonically)

Attorneys for Defendants: Apple Inc  
S. Ashlie Beringer  
Maia Perez  
Jessica Ou

Chillingo Ltd. / Electronic Arts Inc.  
Michele D. Floyd

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And related cases.

Facebook Inc. / Instagram, Inc. / Kik Interactive, Inc.  
Mazda K. Antia

Foursquare Labs, Inc.  
Keith M. Henneka (appearing telephonically)

Gowalla Incorporated  
Harmeet K. Dhillon  
Krista L. Shoquist

Path, Inc.  
Jedediah Wakefield

Rovio Mobile Oy  
Shelly G. Hurwitz (appearing telephonically)  
Christopher G. Kelly (appearing telephonically)

Twitter, Inc.  
Julie E. Schwartz

Yelp! Inc. / Foodspotting, Inc.  
Michael H. Page

ZeptoLab UK Limited  
Jeffrey M. Movit (appearing telephonically)  
Valentine A. Shalamitski (appearing telephonically)

Deputy Clerk: William Noble

Court Reporter: Jo Ann Bryce

PROCEEDINGS

- Apple Inc.'s Motion to Dismiss Plaintiff's Second Amended Class Action Complaint (docket 38 in case 3:12-cv-01529-JST)
- Further case management conference (all cases)

RESULT OF HEARING

Motion hearing held. Motion taken under submission. Court to issue order.

Case management conference held.

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Court will not sign stipulation at docket 352 in case 3:13-cv-00453-JST.

Opperman plaintiffs served Apple with a CLRA demand letter on July 25, 2013. Apple has a 30 day window within which to comply with the demand letter.

The court set the following deadlines:

Consolidated complaint due	September 3, 2013
Stipulation or competing proposals regarding page limitations on motion to dismiss	September 27, 2013
ESI protocol - Stipulation or completing letter briefs with attached proposed orders	September 27, 2013
Proposed protective order - Stipulation or competing letter briefs with attached proposed orders	September 27, 2013
Joint case management conference statement	November 6, 2013
Further case management conference (may be vacated at request of parties in case management statement). Parties may appear by telephone.	November 13, 2013 at 9:30 a.m.
Motion hearing on Kik Interactive's motion to dismiss for lack of personal jurisdiction.	November 13, 2013 at 9:30 a.m.
Motion to dismiss filing deadline	October 18, 2013
Response	December 2, 2013
Reply	January 8, 2014
Hearing on motions to dismiss	January 22, 2014 at 9:30 a.m.

Instagram / Kik Interactive stated that its users do not need to provide their actual names when setting up accounts. Defendant may submit a letter brief regarding its request for plaintiffs' actual names and email addresses after meeting and conferring with plaintiffs.

Parties to meet and confer regarding a briefing schedule for Kik Interactive's anticipated motion to dismiss for lack of personal jurisdiction. The schedule should have a reply brief due not later than October 20, 2013, with a hearing date on November 13, 2013 at 9:30 a.m. Stipulation or competing briefs regarding schedule due by August 5, 2013.